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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,390	02/05/2002	Huy Nguyen	P000045/2299P	4894

7590

09/13/2005

Anthony C. Murabito
WAGNER, MARABITO & HAO LLP.
Two North Market Street
Third Floor
San Jose, CA 95113

EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,390

Applicant(s)

NGUYEN ET AL.

Examiner

Brian A. Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/16/05</u> . | 6) <input type="checkbox"/> Other: _____ |

EXAMINER'S RESPONSE

Status of Application

In response to the applicant's amendment received on 7/26/05. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1,4-8,11,13-21 are unpatentable for the reasons set forth in this office action:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 13 and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Support could not be found in the specification, as originally filed, for the input of data signals from the single control device is the only input required for translating the received data signals.

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Support could not be found in the specification as originally filed, for the newly claimed subject matter that the control function is determined based only on the activated buttons.

Support could not be found in the specification as originally filed, for the newly claimed subject matter that a graphical user interface is not necessary.

The applicant argues that since there is no graphical user interface disclosed there is support for claiming that one is not necessary. This argument is not convincing. If an electronic device were disclosed yet the power supply to power the device were not mentioned in the specification, then there is no positive disclosure for future claiming the device is batteryless. The mere omission of an element is insufficient for support that the element is not necessary or not desired. The specification does not specifically exclude the use of a graphical user interface with a cursor or manipulating a separate selector switch not on the remote to select an item to be controlled. Furthermore, the disclosure does describe a typical PC used in the system. Typical PCs use a graphical user interface; hence the applicant's disclosure supports just the opposite, that a graphical user interface is necessary.

Regarding the new limitations in claims 1,5,14,18-21, the applicant has failed to comply with MPEP 2163, which states that the applicant should specifically point out support for any limitations newly added to the claims at the time of an amendment.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1,4,14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (5675390), Tsurumoto (4817203) and Stecyk (2002/0171763).

Schindler '390 shows a system for remotely controlling an AV device within a PC where the buttons on the remote control are mapped to predetermined key codes and upon receiving a signal from a remote control the signal is translated to control the operations of AV devices coupled to the PC. See col. 18 lines 30+. Because the translation of signals to control codes occurs by mapping the received signal to known (stored) codes in the PC, it can be considered utilizing a look-up table to provide the associations regardless of the name of the board which does the translations. Such a translation inherently requires a program running in the PC in order to operate. Schindler discusses that the circuitry can equivalently exist inside a set top box or a television itself, see the paragraph bridging col. 20 and 21. Figure 14c shows DVD and DVR functions.

In an analogous art, Tsurumoto shows translating received data signals into particular control functions utilizing a look up table and controlling operation of A/V devices. See col. 1 lines 34-45 and col. 1 line 60 to col. 2 line 7, col. 2 lines 33-45, col. 3 lines 36-52 and lines 60-68. Tsurumoto translates these

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codes based upon a second user input selection, namely a slide switch 21, which is mounted on the remote controller. Tsurumoto shows a single remote controller operating a plurality of devices with out the use of a graphical user interface. This aids in simplifying the operation of the system since it reduces the labor for operating plural devices and permits the operation of plural A/V devices using a single remote controller.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the universal concepts to translate and command plural A/V devices as suggested by Tsurumoto in the Schindler system since such would permits the operation of plural A/V devices using a single remote controller.

In an analogous art, Stecyk teaches a remote control system where the control system uses a message or command to the DMS 116, which identifies the device selected to be controlled. Then the DMS formulates a message instructing the device to operate the selected function. See paragraph 99. This affords the DMS 116 with the ability to control selected devices from a single controller.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a signal from the remote controller to the central controller identifying the device to be controlled in addition to the control information for the device, since such is suggested by Stecyk for providing the ability to control selected devices from a single controller.

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3. Claims 5-8,11,13,19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (5675390), Tsurumoto (4817203) and Stecyk (2002/0171763) as applied to claims 1,4,14-18 above, and further in view of Bauersachs (2004/0025189).

In an analogous art, Bauersachs shows a connector to receive the remote control signals, where the connector is a tuner box that receives IR signals. See paragraph 105. This allows the use of the OEM remote control and OEM remote control codes that are subsequently converted to be used in the present system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a tuner box as the receiver of the IR remote control signals to enable the use of the OEM remote control in the above discussed system.

Response to Arguments

Applicant's arguments filed 7/26/05 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1,4,14-18 have been considered but are moot in view of the new ground(s) of rejection. The applicants argue that the references neither anticipate nor render obvious the claims. It is noted that in the previous office action there was no anticipation (35 USC 102) rejection. The present rejection additionally includes reference to Stecyk explained above. It is noted that the applicant repeats the same

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arguments for claims 5-8,11,13,19-21; therefore, the newly cited reference is additionally pertinent to these claims.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A. Zimmerman
Primary Examiner
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BAZ